

1 WILLIAM M. SYMMES, WSBA # 24132
2 CASEY M. BRUNER, WSBA #50168
3 WITHERSPOON · KELLEY
4 422 West Riverside Avenue, Suite 1100
5 Spokane, Washington 99201-0300
6 Telephone: 509 624 5265
7 Facsimile: 509 458 2728
8 Email: wms@witherspoonkelley.com
9 cmb@witherspoonkelley.com
10 *Counsel for the Defendant, Helen Verhasselt*

11 SUSAN W. TROPPEMANN, WSBA # 22235
12 ANDREA ASAN, WSBA # 35395
13 PAUKERT & TROPPEMANN, PLLC
14 522 W. Riverside Avenue, Suite 560
15 Spokane, WA 99201
16 Telephone: (509)-232-7760
17 Facsimile: (509) 232-7762
18 Email: susan@swt-law.com
19 aasan@pt-law.com
20 *Counsel for the Defendants, Okanogan County*
21 *Public Hospital District No. 4, Jan Gonzales,*
22 *Ron O'Halloran, Helen Casey, Dick Larson,*
23 *Clarice Nelson, Adam Tibbs and Herb*
24 *Wandler*

JERRY J. MOBERG, WSBA # 5282
PATRICK R. MOBERG, WSBA # 41323
JAMES E. BAKER, WSBA # 9459
JERRY MOBERG & ASSOCIATES
P.O. Box 130
124 Third Avenue S.W.
Ephrata, WA 98823
Telephone: (509) 754-2356
Facsimile: (509) 754-4202
Email: jmoberg@jmlawps.com
pmoberg@jmlawps.com
jbaker@jmlawps.com
Attorneys for Plaintiffs, Michael Zwicker and Brandy
Zwicker

16 IN THE UNITED STATES DISTRICT COURT
17 FOR THE EASTERN DISTRICT OF WASHINGTON

18 MICHAEL ZWICKER, individually and as a
19 member of the marital community; BRANDY
20 ZWICKER, individually and as a member of a
21 marital community,

22 Plaintiffs,

23 v.

24 OKANOGAN COUNTY PUBLIC HOSPITAL
25 DISTRICT NO. 4, a municipal corporation and
26 public hospital district doing business as NORTH
27 VALLEY HOSPITAL; JAN GONZALES,

No. 17-CV-00415-SAB

**AMENDED JOINT
STATUS CONFERENCE
CERTIFICATE AND
PROPOSED DISCOVERY
PLAN**

**Telephonic Scheduling
Conference: To Be
Determined**

1 individually and as a representative of North Valley
2 Hospital; HELEN VERHASSELT, individually and
3 as a representative of North Valley Hospital, RON
4 O'HALLORAN, individually and as a
5 representative of North Valley Hospital; HELEN
6 CASEY, individually and as a member of the North
7 Valley Hospital Board of Commissioners; DICK
8 LARSON, individually and as a member of the
9 North Valley Hospital Board of Commissioners;
10 CLARICE NELSON, individually and as a member
11 of the North Valley Hospital Board of
12 Commissioners; ADAM TIBBS, individually and
13 as a member of the North Valley Hospital Board of
14 Commissioners; HERB WANDLER, individually
15 and as a member of the North Valley Hospital
16 Board of Commissioners,

17 Defendants.

18 Counsel for Plaintiffs and Defendants conferred on April 2, 2019, and again
19 on May 17, 2019, in compliance with Fed. R. Civ. P ("Rule") 26(f) and the Court's
20 February 14, 2019, Notice Setting Telephonic Scheduling Conference [ECF No.
21 11]. Having conferred, the undersigned submit the following Amended Joint
22 Status Conference Certificate and FRCP 26(f) Proposed Discovery Plan:

23 **A. Service of Process on Parties Not Yet Served:** All parties have been
24 served.

25 **B. Jurisdiction and Venue:** Neither party disputes jurisdiction or venue.
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1 **C. Anticipated Motions:** The parties anticipate various dispositive
2 motions.

3 **D. Disclosures per FRCP 26(a):** The parties have discussed the nature
4 and basis of their claims and defenses and the possibilities for settlement of the case.
5 It was agreed, subject to Court approval, that Plaintiffs' and Defendants' counsel
6 would exchange Initial Disclosures as required under Fed. R. Civ. P. 26(a)(1) no later
7 than June 28, 2019.
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10 **E. FRCP 26(f)(3) Items and Discovery Plan:**

11 **E.1 Suggested Dates:**

12 The parties agree with the suggested deadlines outlined in the Notice
13 Setting Telephonic Scheduling Conference [ECF No. 11], including:
14

15	Rule 26(a)(1) Initial Disclosures Served	June 28, 2019
16	Discovery Cutoff	140 days before trial
17	Dispositive Motion filing cutoff	132 days before trial
18	Trial date (est. 10-15 days)	Oct. or Nov. 2020

19
20 **E.2. Special Discovery Procedures:** It is not anticipated that any special
21 discovery procedures will be needed, such as subject-based discovery, bifurcated
22 discovery, or phased discovery. It is not anticipated that this case will have significant
23 amounts of electronically stored information ("ESI") or require deviation from
24 customary discovery practices.
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1 **E.3. ESI Format:** To the extent ESI is to be produced, the parties agree
2 that ESI will be produced to the requesting party with searchable text, in a format to
3 be decided between the parties. Acceptable formats include, but are not limited to,
4 native files, multi-page TIFFs (with a companion OCR or extracted text file), single-
5 page TIFFs (only with load files for e-discovery software that includes metadata fields
6 identifying natural document breaks and also includes companion OCR and/or
7 extracted text files), and searchable PDF. Unless otherwise agreed, files that are not
8 easily converted to image format, such as spreadsheets, database and drawing files,
9 should be produced in native format. If metadata information is to be produced, the
10 metadata requested is "author", "to", "from", "cc", "subject", "date", filename, original
11 pathname, date modified and date created. Non-ESI documents shall be produced in
12 an electronic format (PDF) as single documents or in manner that identifies
13 appropriate document breaks.
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19 **E.4. Claw Back:** Information produced in discovery that is protected as
20 privileged or work product shall be immediately returned to the producing party, and
21 its production shall not constitute a waiver of such protection, if: (i) such information
22 appears on its face to have been inadvertently produced, or (ii) the producing party
23 provides notice within 15 days of discovery by the producing party of the inadvertent
24 production.
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1 **E.5. Appropriateness of other special procedures.** The consolidation of
2 actions is not applicable. The parties do not consent to have the case heard by a
3 Magistrate Judge and have notified the Clerk's Office.
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5 **E.6. Modification of the standard pretrial procedures due to the**
6 **relative simplicity or complexity of the action or proceeding:** None.
7

8 **E.7. Feasibility of bifurcation, or otherwise structuring sequence of**
9 **discovery or the trial:** Not applicable. See E.2. above.
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11 **E.8. Settlement prospects and possibility of ADR:** The parties have, in
12 good faith, agreed to participate in mediation. The original mediation date of May
13 13, 2019, has been moved to June 3, 2019.
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15 **E.9. Any other matters which may be conducive to the just, efficient**
16 **and economical determination of the action or proceeding, including the**
17 **definition or limitation of issues:** The parties are currently unaware of any such
18 matters.
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25 ///

1 DATED this 20th day of May, 2019.

2 WITHERSPOON·KELLEY

3 By: s/ William M. Symmes

4 WILLIAM M. SYMMES, WSBA #24132

5 CASEY M. BRUNER, WSBA # 50168

6 Attorneys for Defendant, Verhasselt

7 422 W. Riverside Ave., #1100

8 Spokane, WA 99201

9 Telephone: 509-624-5265

10 Email: wms@witherspoonkelley.com

11 cmb@witherspoonkelley.com

12 PAUKERT & TROPPEMANN, PLLC

13 By: s/ Telephonically approved

14 SUSAN W. TROPPEMANN, WSBA # 22235

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JAMES E. BAKER, WSBA # 9459

Attorneys for Plaintiffs, Michael Zwicker and

Brandy Zwicker

P.O. Box 130

124 Third Avenue S.W.

Ephrata, WA 98823

Telephone: (509) 754-2356

Email: jmoberg@jmlawps.com

pmoberg@jmlawps.com

jbakerk@jmlawps.com

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of May 2019, I caused to be electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

Jerry J. Moberg, jmoberg@jmlawps.com
Patrick R. Moberg, pmoberg@jmlawps.com
James E. Baker, jbaker@jmlawps.com
Susan W. Troppmann, susan@swt-law.com
Andrea L. Asan, aasan@pt-law.com

I hereby certify that I caused to have mailed by United States Postal Service the document to the following non-CM/ECF participants: NONE.

I hereby certify that I caused to be hand delivered by courier the document to the following non-CM/ECF participants: NONE.

s/ William M. Symmes

William M. Symmes, WSBA #24132
Witherspoon • Kelley
422 W. Riverside Ave., Suite 1100
Spokane, WA 99201-0300
Phone: 509-624-5265
Fax: 509-458-2717
wms@witherspoonkelley.com